

1 **Brian H. Gunn (SBN 192594)**  
*bhgunn@wolfewyman.com*  
2 **L. Scott Bruggemann (SBN 302499)**  
*sbruggemann@wolfewyman.com*  
3 **WOLFE & WYMAN LLP**  
2175 N. California Blvd., Suite 645  
4 Walnut Creek, California 94596-3502  
Telephone: (925) 280-0004  
5 Facsimile: (925) 280-0005

6 **Attorneys for Defendant/Cross-Complainant,**  
**BURNS & WILCOX INSURANCE SERVICES, INC.**  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 HARTFORD CASUALTY INSURANCE  
COMPANY, an Indiana Corporation,

12 Plaintiff,

13 v.

14 FIREMAN'S FUND INSURANCE COMPANY, a  
15 California Corporation; BURNS & WILCOX  
INSURANCE SERVICES, INC., a California  
16 Corporation, and DOES 1 to 50,

17 Defendants.  
18  
19

20 AND RELATED CROSS-ACTION.  
21  
22  
23

Case No.: 3:15-cv-02592 SI

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF SECOND MOTION BY  
BURNS & WILCOX INSURANCE  
SERVICES, INC. FOR SUMMARY  
JUDGMENT**

Date: October 28, 2016

Time: 10:00 a.m.

Place: Courtroom 1, 17<sup>th</sup> Floor

Hon. Susan Illston

Trial Date: 10/17/2016

Action Filed: 06/10/2015

24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant/Cross-Complainant  
26 BURNS & WILCOX INSURANCE SERVICES, INC. ("Burns & Wilcox") hereby requests the  
27 Court take judicial notice of the following documents in support of Burns & Wilcox's motion for  
28 summary judgment.

1           1.       The May 30, 2013 trial transcript in *Consuelo Martinez v. Herndon Partners, LLC, et*  
2 *al.*, Superior Court of California, County of Fresno, Case No. 10CECG03837, a true and correct  
3 certified copy of which is attached hereto as **Exhibit A**.

4  
5 DATED: September 21, 2016

WOLFE & WYMAN LLP

6 By: /s/ L. Scott Bruggemann

7 BRIAN H. GUNN

8 L. SCOTT BRUGGEMANN

9 Attorneys for Defendant/Cross-Complainant,  
10 **BURNS & WILCOX INSURANCE SERVICES,**  
11 **INC.**

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
 COUNTY OF CONTRA COSTA )

I, Lisa White, declare that I am employed in the County of Contra Costa, State of California. I am over the age of 18 and not a party to the within action. My business address is 2175 N. California Blvd., Suite 645, Walnut Creek, California 94596-3502.

On the date shown below, I served the document(s) described as **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SECOND MOTION BY BURNS & WILCOX INSURANCE SERVICES, INC. FOR SUMMARY JUDGMENT** on all interested parties in said action by placing a true copy thereof in a sealed envelope addressed as stated on the ATTACHED SERVICE LIST.

☐ **BY MAIL:** as follows:

☐ **STATE** - I am "readily familiar" with Wolfe & Wyman LLP's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Walnut Creek, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☐ **FEDERAL** - I deposited such envelope in the U.S. Mail at Walnut Creek, California, with postage thereon fully prepaid.

☐ **BY PERSONAL SERVICE** as follows: I caused a copy of such document(s) to be delivered by hand to the offices of the addressee between the hours of 9:00 A.M. and 5:00 P.M.

☐ **BY OVERNIGHT COURIER SERVICE** as follows: I caused such envelope to be delivered by overnight courier service to the offices of the addressee. The envelope was deposited in or with a facility regularly maintained by the overnight courier service with delivery fees paid or provided for.

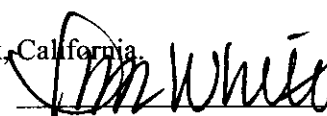
☒ **BY ELECTRONIC MAIL** as follows: I hereby certify that I electronically transmitted the attached document(s) to the U.S. District Court using the CM/ECF System for filing, service and transmittal of Notice of Electronic Filing to the CM/ECF registrants for this case. Upon completion of the electronic transmission of said document(s), a receipt is issued to the serving party acknowledging receipt by ECF's system, which will be maintained with the original document(s) in our office.

☐ **BY FACSIMILE** as follows: I caused such documents to be transmitted to the telephone number of the addressee listed on the attached service list, by use of facsimile machine telephone number. The facsimile machine used complied with California Rules of Court, Rule 2004 and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), a transmission record of the transmission was printed.

☒ **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **FEDERAL** I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made.

Executed on September 21, 2016, at Walnut Creek, California.

  
 LISA WHITE

**SERVICE LIST**

**Hartford Casualty Ins. Co. v. Fireman's Fund Ins. Co., et al.**  
**U.S. District Court, Northern District - Case No. 3:15-cv-02592 SI**  
**W&W File No. 1670-001**  
**[Revised: 09/14/15]**

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|---|--|
| <p>Stephen M. Hayes, Esq.<br/> Joshua N. Kastan, Esq.<br/> <b>HAYES SCOTT BONINO ELLINGSON</b><br/> <b>&amp; McLAY, LLP</b><br/> 203 Redwood Shores Parkway, #480<br/> Redwood City, CA 94065</p> | <p><b>Attorneys for Plaintiff</b><br/> <b>HARTFORD CASUALTY INSURANCE</b><br/> <b>COMPANY</b><br/> Tel.: (650) 637-9100<br/> Fax: (650) 637-8071; (650) 637-9101<br/> Email: <a href="mailto:shayes@hayesscott.com">shayes@hayesscott.com</a><br/> <a href="mailto:jkastan@hayesscott.com">jkastan@hayesscott.com</a></p>  |
| <p>Ramiro Morales, Esq.<br/> Laurence Near, Esq.<br/> <b>MORALES FIERRO &amp; REEVES</b><br/> 2300 Contra Costa Blvd., Suite 310<br/> Pleasant Hill, CA 94523</p>                                 | <p><b>Attorneys for Defendant</b><br/> <b>FIREMAN'S FUND INSURANCE</b><br/> <b>COMPANY</b><br/> Tel.: (925) 288-1776<br/> Fax: (925) 288-1856<br/> Email: <a href="mailto:rmorales@mfrlegal.com">rmorales@mfrlegal.com</a><br/> <a href="mailto:lnear@mfrlegal.com">lnear@mfrlegal.com</a></p>   |
| <p>Christine E. Jacob, Esq.<br/> Bret N. Batchman, Esq.<br/> <b>HANSEN KOHLS SOMMER &amp; JACOB LLP</b><br/> 1520 Eureka Road, Suite 100<br/> Roseville, CA 95661</p>                             | <p><b>Attorneys for Cross-Defendant</b><br/> <b>MOSEN O'HADI AKA MOSEN OHADI, DBA</b><br/> <b>MALIBU PACIFIC AND/OR MALIBU PACIFIC</b><br/> <b>REAL ESTATE CO AND/OR MALIBU</b><br/> <b>COASTAL INSURANCE SERVICES</b><br/> Tel.: (916) 781-2550<br/> Fax: (916) 781-5339<br/> Email: <a href="mailto:cjacob@hansenkohls.com">cjacob@hansenkohls.com</a><br/> <a href="mailto:bbatchman@hansenkohls.com">bbatchman@hansenkohls.com</a></p> |